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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

FIELDS, COURTNEY D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2137

DATE MAILED: 02/03/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,848

Applicant(s)

ELGRESSY ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9. 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 10-16, 18-20 and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Touboul, U.S. Patent No. 6,167,520. Referring to claims, 1,2,13-16, Touboul discloses a system and method for protecting a client during runtime from hostile downloadables (i.e. Java or Active X applets). Touboul defines a downloadable as being a small executable which is downloaded from a source computer and run on a destination computer. The network system comprises a server coupled to the Internet or Intranet, which is coupled to an individual computer including a security system for protecting the client from hostile or suspicious downloadable activity. The security system may be stored in a data storage device and loaded into RAM for execution. Within the security system, operating system probes recognizes applet instructions, therefore, a message is indicated to inform the event router. Upon receipt of a message, the event router forwards the message for notifying the user of the request, to an event log which records and monitors suspicious operations. Suspicious operations are denied if the runtime monitor detect violation of an applet using more than two

megabytes of RAM or when the Java virtual machine attempt to run more than five applets concurrently. The applet will be terminated and the memory or processor time available to the applet will become limited. (See Column 2, lines 53-67, Column 3, lines 12-54, Column 4, lines 10-20, 24-50)

Referring to claim 3, Touboul discloses an response engine that determines a security policy to dictate over the execution of downloadables if an applet violates the security policy, the information is sent to a suspicious downloadables database in Column 4, lines 51-60)

Referring to claim 4, Touboul discloses the claimed limitation wherein the downloadables are harmless in Column 6, lines 15-33, 41-44.

Referring to claims 5,18-20, Touboul discloses the claimed limitation wherein the Internet behavior disables the network connection in Column 5, lines 53-55, 63-67, Column 6, lines 1-9.

Referring to claims 10-12, 31-33, Touboul discloses the claimed limitation wherein access to a secure resource is denied in Column 5, lines 31-67, Column 6, lines 1-23.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9 and 21-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul et al. U.S. Patent No. 6,167,520 in view of Ji et al. U.S. Patent No. 5,623,600. Referring to claims 7, 24-26, Touboul et al. teaches the invention as claimed. However, Touboul et al. does not explicitly disclose a communication protocol such as HTTP, FTP, SMTP, or the like. Referring to claims 6, 21-23, Ji et al. discloses the claimed limitation wherein the Internet behavior is disabled by specific protocols such as FTP or SMTP. (See Column 8, lines 25-34)

Referring to claims 7, 24-26, Ji et al. discloses the claimed limitation wherein the specific protocols comprising FTP and SMTP can be used for detecting viruses in file transfers and messages being downloaded and sent into or out of a network. (See Abstract and Column 5, lines 28-38)

Referring to claims 8, 27-29, Ji et al. discloses the claimed limitation wherein the Internet behavior disables the transfer of executable objects in communication protocols. (See Column 7, lines 4-67, Column 8, lines 1-16)

Referring to claims 9 and 30, Ji et al. discloses the claimed limitation wherein the access to trusted sites via FTP is granted. (See Column 8. lines 43-65)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Touboul's system and method by combining Ji et al.'s virus detection of downloadables on FTP and SMTP servers. This modification would have been obvious to a person having ordinary skill in the art because a person having ordinary skill in the art would have been motivated to prevent hostile applets from being downloaded and exposed upon the network to secure resources.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Michael Shoffner and Merlin Hughes "Java and Web-Executable Object Security", November 1996: Java and Network Security, pp.1-7, discloses a method and system for Java and Web-Executable Object Security that prevent standalone applications and web-embedded objects (applets) from exhibiting undesirable and/or unauthorized low-level system behavior.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Thu 7:00 - 5:00 pm; off every Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


cdf

January 28, 2004


GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100